THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.18864 OF 2007

DATED: 01-10-2007

BETWEEN

Deverakonda Venkata Rao,
S/o. late Raghavaiah,
R/o. Thuthakalingannapeta (V),
Enkoor Mandal, Khammam District
and others.

...PETITIONERS

AND

The District Collector, Khammam,
Khammam District and another.

...RESPONDENTS

ORDER:

Petitioners submit that the first petitioner purchased an extent of Ac.7.15 cents of land in Sy.No.163 and Ac.0.50 cents in Sy.No.102; the second petitioner purchased an extent of Ac.4.00 cents of land in Sy.No.152 and the third petitioner purchased an extent of Ac.9.80 cents of land in Sy.No.163, situated at Thuthakalingannapeta Village, Enkoor Mandal, Khammam District, from the original pattadars.

They further submit that they belong to ST community and therefore, there is no prohibition for purchase of the land either from the tribals or non-tribals.

2. The petitioners further submit that though they have not violated any of the provisions of the agency laws, the respondents are interfering with their peaceful possession and enjoyment without issuing any notice and without following due procedure prescribed in law. Therefore, they got issued a legal notice dated 27.08.2007 to the second respondent through their counsel not to interfere with their possession and enjoyment.

3. I am not inclined to express any opinion with regard to the right, title or

possession of the petitioners in respect of the said lands. However, without following due process of law the respondents cannot dispossess the petitioners or interfere with their possession, if they are in possession of the said lands.

The writ petition is accordingly disposed of directing the respondents to follow due procedure prescribed in law before taking any action against the petitioner. There shall be no order as to costs.

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V. ESWARAIAH, J

October 1, 2007
DSK